



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

Case #: HMO - 203696

PRELIMINARY RECITALS

Pursuant to a petition filed on November 8, 2021, under Wis. Stat. § 49.45(5)(a), and Wis. Admin. Code §HA 3.03, to review a decision by the Division of Medicaid Services (the agency) regarding Medical Assistance (MA), a hearing was held on December 21, 2021, by telephone. The matter was held open 27 days post-hearing for petitioner to submit additional information, which was forwarded to the agency for review. On January 6, 2022 the agency submitted its response to that review which indicated that the requested orthodontic services were now approved.

There is no issue for determination as the matter is now moot.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: Michelle Rocca, Nurse Consultant
Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Racine County. He is certified for MA.
2. On or about September 9, 2021, a prior authorization (PA) request was submitted to the HMO, Dental Professionals of Wisconsin, on the petitioner's behalf for comprehensive orthodontic treatment (D8080).
3. On September 21, 2021 the HMO denied the PA request. The agency upheld that denial on October 27, 2021.
4. A telephonic hearing was held on December 21, 2021. The matter was held open post-hearing for petitioner to submit additional information, which was forwarded to the agency for review. On January 6, 2022 the agency's Consultant submitted his response to that review which indicated that the requested comprehensive orthodontic treatment was now approved, so there is no further action for me to order here.

DISCUSSION

The petitioner appealed from the denial of a prior authorization request for comprehensive orthodontic treatment. However, the agency subsequently approved the request, following submission of additional information after the hearing. Because the agency has now approved the requested service, the issue is moot and there is nothing for me to order here.

I note to the petitioner that his provider will not receive a copy of this Decision. As described in the January 6, 2022 letter from the agency, the petitioner's provider (Dr. O'Connell) was approved to submit a new PA for Orthodontic Care and that January 6, 2022 letter for the Orthodontic Care to be approved. If the provider has not already taken those actions the petitioner must provide a copy of this Decision to his provider. The provider must then submit a *new* prior authorization request, along with a copy of this Decision to receive the approved coverage.

CONCLUSIONS OF LAW

Because the agency has now approved the comprehensive orthodontic treatment, the issue is moot.

THEREFORE, it is

ORDERED

That the petition herein be dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way 5th Floor, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

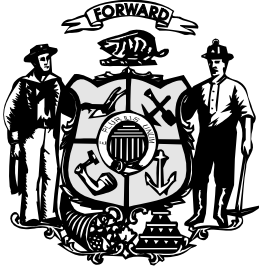
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 1st day of February, 2022

\s _____
Kelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on February 1, 2022.

Division of Medicaid Services